

OCT 24 2006

APPLICATION NO.: 10/054,155
ATTORNEY DOCKET NO.: 10011309-1
Page 5 of 10**REMARKS**

The non-final Office Action mailed July 25, 2006, has been carefully considered. In response thereto, please enter the foregoing amendments in which claims 1-13 and 26-41 are canceled and claims 14 and 19 are amended. Applicant retains the right to pursue the subject matter of cancelled claims 1-13 and 26-41 in a continuation application. Claims 14-25 remain pending in the present application.

The subject matter of amended claims 14 and 19 is at least supported in Applicant's originally filed FIGs. 1 - 7 and the related detailed description. Accordingly, no new matter is added to the present application.

Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

Election/Restriction

Applicant acknowledges that the restriction requirement is made final. Accordingly, Applicant has canceled claims 1-13 and 26-41.

I. Claim Rejections Under 35 USC § 103 – Claims 14-25**A. Statement of the Rejection**

Claims 14-25 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,708,825 to Sotomayor, hereinafter *Sotomayor*, in view of U.S. Patent No. 6,334,132 to Weeks, hereinafter *Weeks*.

B. Discussion of the Rejection

In order for a claim to be properly rejected under 35 U.S.C. § 103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant's independent claims 14 and 19, as amended, each recite respective elements that are not disclosed, taught, or suggested by the proposed combination of

APPLICATION NO.: 10/054,155
ATTORNEY DOCKET NO.: 10011309-1
Page 6 of 10

Sotomayor and *Weeks*. Accordingly, Applicant respectfully requests that the rejection of claims 14 and 19 under 35 U.S.C. § 103 be withdrawn.

1. Claims 14–18

For convenience of analysis, independent claim 14, as amended, is repeated below in its entirety.

14. A text enhancer, comprising:
- means for receiving a compiler output that includes data files and algorithms, the compiler output in the form of a text file having a plurality of lines of information;
 - means for comparing the plurality of lines of information with a string to generate a match;
 - means for compiling a statistic on the match;
 - means for converting the text file to a hypertext markup language translation of the text file;
 - means for inserting an entry in the hypertext markup language translation of the text file responsive to a condition identified by the compiler; and***
 - means for adding a summary to the hypertext markup language translation.

(Applicant's independent claim 14 - *emphasis added*.)

The proposed combination fails to disclose, teach, or suggest at least the emphasized element of amended claim 14 as shown above. Consequently, claim 14 is allowable.

More specifically, the combination of *Sotomayor* and *Weeks* fails to disclose, teach, or suggest at least a text enhancer comprising means for inserting an entry in the hypertext markup language translation of the text file responsive to a condition identified by the compiler.

Both *Sotomayor* and *Weeks* are entirely silent regarding inserting an entry in the hypertext markup language translation of the text file responsive to a condition identified by the compiler. *Sotomayor* describes a method and apparatus for scanning one or more documents, and automatically identifying key topics, concepts, and phrases in the documents. FIG. 8 (*Sotomayor*) illustrates "HTML segment creation and linking" (labeled with reference number 47) as receiving inputs from HTML source document 52, template 154, and concept index objects 45. Segmenting and

linking HTML information in response to inputs from one or more of a source document, template and concept index objects does not disclose, teach or suggest inserting an entry in the hypertext markup language translation of the text file responsive to a condition identified by the compiler. *Weeks* describes a system for segmenting and summarizing data sets. *Weeks*, column 5, lines 32-44, indicates that the summarizing tool may be built as an extension to a viewer or browser. *Weeks* further indicates that the summarizing tool could be used independently or can be adapted to receive data sets in text form. A system that processes data in text form does not disclose, teach or suggest inserting an entry in the hypertext markup language translation of the text file responsive to a condition identified by the compiler. Accordingly, the proposed combination is entirely silent regarding at least Applicant's claimed means for inserting an entry in the hypertext markup language translation of the text file responsive to a condition identified by the compiler.

Thus, for at least the reason that the proposed combination fails to disclose, teach, or suggest all features of the claimed invention, the proposed combination fails to render Applicant's claimed text enhancer obvious. Consequently, claim 14 is allowable and the rejection of claim 14 under 35 U.S.C. § 103 should be withdrawn.

Because independent claim 14 is allowable, dependent claims 15-18 are also allowable for at least the reason that these claims contain all the features of independent claim 14. *See In re Fine*, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection of claims 14-18 under 35 U.S.C. § 103 also be withdrawn.

2. Claims 19-25

For convenience of analysis, independent claim 19, as amended, is repeated below in its entirety.

19. A program stored on a computer-readable medium, comprising:
 - logic configured to receive a compiler output that includes data files and algorithms, the compiler output in the form of text data;
 - logic configured to locate a text string within the text data;

APPLICATION NO.: 10/054,155
ATTORNEY DOCKET NO.: 10011309-1
Page 8 of 10

logic configured to log located text strings, wherein each occurrence of a particular text string is associated with an indicator;

logic configured to translate the text data to a hypertext markup language format;

logic configured to register a respective label and insert an entry in the hypertext markup language format of the text data responsive to a condition identified by the compiler;

logic configured to add the text data summary to the hypertext markup language format; and

logic configured to associate a particular label with occurrences of the particular text string located within the text data.

(Applicant's independent claim 19 - *emphasis added.*)

The proposed combination fails to disclose, teach, or suggest at least the emphasized element of amended claim 19 as shown above. Consequently, claim 19 is allowable.

More specifically, the combination of *Sotomayor* and *Weeks* fails to disclose, teach, or suggest at least logic configured to register a respective label and insert an entry in the hypertext markup language format of the text data responsive to a condition identified by the compiler. Thus, the cited combination fails to disclose, teach, or suggest all features of the claimed invention. For at least this reason, the proposed combination fails to render Applicant's claimed program obvious. Consequently, claim 19 is allowable and the rejection of claim 19 under 35 U.S.C. § 103 should be withdrawn.

Both *Sotomayor* and *Weeks* are entirely silent regarding logic configured to register a respective label and insert an entry in the hypertext markup language format of the text data responsive to a condition identified by the compiler. *Sotomayor* describes a method and apparatus for scanning one or more documents, and automatically identifying key topics, concepts, and phrases in the documents. FIG. 8 (*Sotomayor*) illustrates "HTML segment creation and linking" (labeled with reference

page 5 cut off.